

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

LOYD KENNEDY,	)	
	)	
Petitioner,	)	
	)	
-vs-	)	Case No. CIV-15-582-F
	)	
WARDEN ADDISON,	)	
	)	
Respondent.	)	

**ORDER**


Petitioner Loyd Kennedy, a state prisoner appearing *pro se* whose pleadings are liberally construed, brings this action under 28 U.S.C. § 2241. On June 22, 2015, Magistrate Judge Gary M. Purcell entered a Supplemental Report and Recommendation (the Supplemental Report), recommending that the petition be dismissed without prejudice for failure to exhaust available state remedies. Doc. no. 11. Petitioner objected to the Report. Doc. no. 13. Petitioner also filed a motion for declaratory judgment, doc. no. 12, raising arguments akin to those raised in his objection.

As required by 28 U.S.C. §636(b)(1), the court has reviewed all objected to matters *de novo*. Having concluded that review, and after careful consideration of plaintiff's objections, the court finds that it agrees with the Supplemental Report of the Magistrate Judge and that no purpose would be served by stating any further analysis here.

Accordingly, plaintiff's objections to the Supplemental Report of Magistrate Judge Purcell are **DENIED** and the Supplemental Report is **ACCEPTED, ADOPTED** and **AFFIRMED**. This action is **DISMISSED** without prejudice for

failure to exhaust available state remedies. Petitioner's Motion for Declaratory Judgment, doc. no. 12, is **STRICKEN** as moot. A certificate of appealability is **DENIED**.

Dated this 2<sup>nd</sup> day of July, 2015.

  
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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

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